

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:17-cr-00198-2

DENNIS CARTER

MEMORANDUM OPINION AND ORDER

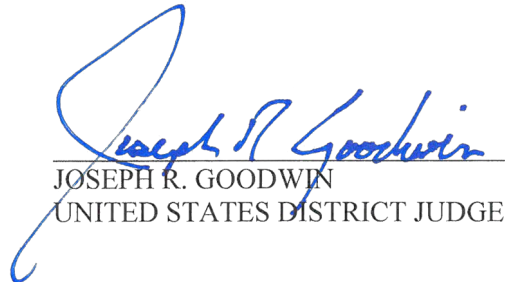
Pending before the court is a pro se letter-form motion for compassionate release, [ECF No. 450], filed by Defendant Dennis Carter. For me to reduce or modify Mr. Carter's sentence under compassionate release, I must find that he has exhausted his administrative remedies or waited 30 days from petitioning the Warden at the facility in which he is housed, has demonstrated "extraordinary and compelling reasons," and find that his release is consistent with the § 3553(a) factors. *See e.g., United States v. Howard*, No. 4:15-CR-00018-BR, 2020 WL 2200855, at *2 (E.D.N.C. May 6, 2020); U.S.S.G. § 1B1.13 (2018).

In his motion, Mr. Carter writes only that he suffers from severe asthma and is at risk of serious illness from COVID-19. He does not claim, let alone attempt to show, that he has requested compassionate release from the warden at his facility or exhausted his administrative remedies. Just over three months ago, I denied a compassionate release motion from Mr. Carter on this same ground. [ECF No. 447]. In that Order, I explained that "Mr. Carter may petition the court again after making

a request to the Warden *and* either exhausting his administrative remedies through the Bureau of Prison's appeal process or waiting 30 days from the Warden's receipt of his request, whichever is earlier." [ECF No. 447, at 2]; *see* 18 U.S.C. § 3582(c)(1)(A). Because Mr. Carter failed to do so, I must **DENY** his motion.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: July 19, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE